



UPPER SEVEN LAW

P.O. BOX 31
HELENA, MT 59624

HOLD THE POWERFUL ACCOUNTABLE

June 8, 2023

VIA EMAIL

Eileen Joyce
County Attorney
Butte-Silver Bow County
155 W Granite Street
Butte, MT 59701
ejoyce@bsb.mt.gov

Re: Legal Notice & Litigation Hold Demand from Adria Jawort

Dear Ms. Joyce,

I represent Ms. Adria Jawort. On Friday, June 2, 2023, Ms. Jawort was scheduled to speak at the Butte-Silver Bow Public Library as part of a lunchtime lecture series. The day before Ms. Jawort's was scheduled to appear, a librarian emailed Ms. Jawort to cancel because the "local Chief Executive and County Attorney have decided that it is too much of a legal risk to have a transgendered person in the library."

Chief Executive J.P. Gallagher later sent a letter to Ms. Jawort, informing her that her event had been cancelled as a result of a tweet that she posted, which Mr. Gallagher understood to violate House Bill 359. The purported reason for cancelling the event does not and cannot excuse the violation of Ms. Jawort's constitutional rights. It is unconstitutional for a government entity to prohibit someone from speaking on the basis of that person's speech. Moreover, Ms. Jawort's tweet included only information previously known to Butte-Silver Bow.

Mr. Gallagher also expressed an interest in rescheduling Ms. Jawort's talk, but only if Ms. Jawort provides assurances that she will comply with House Bill 359. Ms. Jawort will provide no such assurance, as House Bill 359 is unconstitutional and cannot be applied to stifle speech.

While she appreciates the outreach, Ms. Jawort intends to file a federal lawsuit for deprivation of her constitutional rights under the First and Fourteenth Amendments. Accordingly, this letter provides notice to Butte-Silver Bow County of an impending legal action.

Please preserve all documentary and electronic evidence that may be relevant to that claim, including but not limited to all communications regarding Ms. Jawort's event and its cancellation as well as all communications related to the interpretation or application of House Bill 359 in any context.

Please also instruct all employees who may have relevant information to preserve that information, regardless of whether such it is stored on personal or government-issued devices. Further, please discontinue any regularly scheduled deletion or other destruction of electronic records. All relevant documents, both electronic and paper, must be preserved for the duration of this lawsuit.

If you have any questions, please contact me at the phone number or email address listed below.

Sincerely,

/s/ Constance Van Kley

Constance Van Kley
Upper Seven Law
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cc Rylee Sommers-Flanagan
Niki Zupanic
J.P. Gallagher